



# Senate

General Assembly

**File No. 140**

February Session, 2022

Substitute Senate Bill No. 206

*Senate, March 28, 2022*

The Committee on Children reported through SEN. ANWAR of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' RECOMMENDATIONS FOR REVISIONS TO THE STATUTES CONCERNING CHILDREN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 17a-28 of the 2022 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2022*):

4 (g) The department shall disclose records, subject to subsections (b)  
5 and (c) of this section, without the consent of the person who is the  
6 subject of the record, to:

7 (1) The person named in the record or such person's authorized  
8 representative, provided such disclosure shall be limited to information  
9 (A) contained in the record about such person or about such person's  
10 biological or adoptive minor child, if such person's parental rights to  
11 such child have not been terminated; and (B) identifying an individual  
12 who reported abuse or neglect of the person, including any tape

13 recording of an oral report pursuant to section 17a-103, if a court  
14 determines that there is reasonable cause to believe the reporter  
15 knowingly made a false report or that the interests of justice require  
16 disclosure;

17 (2) An employee of the department for any purpose reasonably  
18 related to the performance of such employee's duties;

19 (3) A guardian ad litem or attorney appointed to represent a child or  
20 youth in litigation affecting the best interests of the child or youth;

21 (4) An attorney representing a parent, guardian or child in a petition  
22 filed in the Superior Court pursuant to section 17a-112 or 46b-129,  
23 provided (A) if such records do not pertain to such attorney's client or  
24 such client's child, such records shall not be further disclosed to another  
25 individual or entity by such attorney except pursuant to the order of a  
26 court of competent jurisdiction, (B) if such records are confidential  
27 pursuant to federal law, such records shall not be disclosed to such  
28 attorney or such attorney's client unless such attorney or such attorney's  
29 client is otherwise entitled to such records, and (C) nothing in this  
30 subdivision shall limit the disclosure of records under subdivision (3) of  
31 this subsection;

32 (5) The Attorney General, any assistant attorney general or any other  
33 legal counsel retained to represent the department during the course of  
34 a legal proceeding involving the department or an employee of the  
35 department;

36 (6) The Child Advocate or the Child Advocate's designee;

37 (7) The Chief Public Defender or the Chief Public Defender's designee  
38 for purposes of ensuring competent representation by the attorneys  
39 with whom the Chief Public Defender contracts to provide legal and  
40 guardian ad litem services to the subjects of such records and for  
41 ensuring accurate payments for services rendered by such attorneys;

42 (8) The Chief State's Attorney or the Chief State's Attorney's designee  
43 for purposes of investigating or prosecuting (A) an allegation related to

44 child abuse or neglect, (B) an allegation that an individual made a false  
45 report of suspected child abuse or neglect, (C) an allegation that a  
46 mandated reporter failed to report suspected child abuse or neglect in  
47 accordance with section 17a-101a, provided such prosecuting authority  
48 shall have access to records of a child charged with the commission of a  
49 delinquent act, who is not being charged with an offense related to child  
50 abuse, only while the case is being prosecuted and after obtaining a  
51 release, or (D) an allegation of fraud in the receipt of public or private  
52 benefits, provided no information identifying the subject of the record  
53 is disclosed unless such information is essential to such investigation or  
54 prosecution;

55 (9) A state or federal law enforcement officer, including a military law  
56 enforcement authority under the United States Department of Defense,  
57 for purposes of investigating (A) an allegation related to child abuse or  
58 neglect, (B) an allegation that an individual made a false report of  
59 suspected child abuse or neglect, or (C) an allegation that a mandated  
60 reporter failed to report suspected child abuse or neglect in accordance  
61 with section 17a-101a;

62 (10) A foster or prospective adoptive parent, if the records pertain to  
63 a child or youth currently placed with the foster or prospective adoptive  
64 parent, or a child or youth being considered for placement with the  
65 foster or prospective adoptive parent, and the records are necessary to  
66 address the social, medical, psychological or educational needs of the  
67 child or youth, provided no information identifying a biological parent  
68 is disclosed without the permission of such biological parent;

69 (11) The Governor, when requested in writing in the course of the  
70 Governor's official functions, the joint standing committee of the  
71 General Assembly having cognizance of matters relating to human  
72 services, the joint standing committee of the General Assembly having  
73 cognizance of matters relating to the judiciary or the joint standing  
74 committee of the General Assembly having cognizance of matters  
75 relating to children, when requested in writing by any of such  
76 committees in the course of such committee's official functions, and

77 upon a majority vote of such committee, provided no name or other  
78 identifying information is disclosed unless such information is essential  
79 to the gubernatorial or legislative purpose;

80 (12) The Office of Early Childhood for the purpose of (A) determining  
81 the suitability of a person to care for children in a facility licensed  
82 pursuant to section 19a-77, 19a-80, [or] 19a-87b or 19a-421; (B)  
83 determining the suitability of such person for licensure; (C) determining  
84 the suitability of a person to provide child care services to a child and  
85 receive a child care subsidy pursuant to section 17b-749k; (D) an  
86 investigation conducted pursuant to section 19a-80f; [(D)] (E) notifying  
87 the office when the Department of Children and Families places an  
88 individual licensed or certified by the office on the child abuse and  
89 neglect registry pursuant to section 17a-101k; or [(E)] (F) notifying the  
90 office when the Department of Children and Families possesses  
91 information regarding an office regulatory violation committed by an  
92 individual licensed or certified by the office;

93 (13) The Department of Developmental Services, to allow said  
94 department to determine eligibility, facilitate enrollment and plan for  
95 the provision of services to a child who is a client of said department  
96 and who is applying to enroll in or is enrolled in said department's  
97 behavioral services program. At the time that a parent or guardian  
98 completes an application for enrollment of a child in the Department of  
99 Developmental Services' behavioral services program, or at the time that  
100 said department updates a child's annual individualized plan of care,  
101 said department shall notify such parent or guardian that the  
102 Department of Children and Families may provide records to the  
103 Department of Developmental Services for the purposes specified in this  
104 subdivision without the consent of such parent or guardian;

105 (14) Any individual or entity for the purposes of identifying resources  
106 that will promote the permanency plan of a child or youth approved by  
107 the court pursuant to sections 17a-11, 17a-111b and 46b-129;

108 (15) A state agency that licenses or certifies a person to educate, care  
109 for or provide services to children or youths;

110 (16) A judge or employee of a Probate Court who requires access to  
111 such records in order to perform such judge's or employee's official  
112 duties;

113 (17) A judge of the Superior Court for purposes of determining the  
114 appropriate disposition of a child adjudicated as delinquent or a child  
115 who is a member of a family with service needs;

116 (18) A judge of the Superior Court in a criminal prosecution for  
117 purposes of in camera inspection whenever (A) the court has ordered  
118 that the record be provided to the court; or (B) a party to the proceeding  
119 has issued a subpoena for the record;

120 (19) A judge of the Superior Court and all necessary parties in a  
121 family violence proceeding when such records concern family violence  
122 with respect to the child who is the subject of the proceeding or the  
123 parent of such child who is the subject of the proceeding;

124 (20) The Auditors of Public Accounts, or their representative,  
125 provided no information identifying the subject of the record is  
126 disclosed unless such information is essential to an audit conducted  
127 pursuant to section 2-90;

128 (21) A local or regional board of education, provided the records are  
129 limited to educational records created or obtained by the state or  
130 Connecticut Unified School District #2, established pursuant to section  
131 17a-37;

132 (22) The superintendent of schools for any school district for the  
133 purpose of determining the suitability of a person to be employed by  
134 the local or regional board of education for such school district pursuant  
135 to subsection (a) of section 10-221d;

136 (23) The Department of Motor Vehicles for the purpose of criminal  
137 history records checks pursuant to subsection (e) of section 14-44,  
138 provided information disclosed pursuant to this subdivision shall be  
139 limited to information included on the Department of Children and  
140 Families child abuse and neglect registry established pursuant to section

141 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k  
142 concerning the nondisclosure of findings of responsibility for abuse and  
143 neglect;

144 (24) The Department of Mental Health and Addiction Services for the  
145 purpose of treatment planning for young adults who have transitioned  
146 from the care of the Department of Children and Families;

147 (25) The superintendent of a public school district or the executive  
148 director or other head of a public or private institution for children  
149 providing care for children or a private school (A) pursuant to sections  
150 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b and 46b-129, or (B) when  
151 the Department of Children and Families places an individual  
152 employed by such institution or school on the child abuse and neglect  
153 registry pursuant to section 17a-101k;

154 (26) The Department of Social Services for the purpose of (A)  
155 determining the suitability of a person for payment from the  
156 Department of Social Services for providing child care; (B) promoting  
157 the health, safety and welfare of a child or youth receiving services from  
158 either department; or (C) investigating allegations of fraud provided no  
159 information identifying the subject of the record is disclosed unless such  
160 information is essential to any such investigation;

161 (27) The Court Support Services Division of the Judicial Branch, to  
162 allow the division to determine the supervision and treatment needs of  
163 a child or youth, and provide appropriate supervision and treatment  
164 services to such child or youth, provided such disclosure shall be limited  
165 to information that identifies the child or youth, or a member of such  
166 child's or youth's immediate family, as being or having been (A)  
167 committed to the custody of the Commissioner of Children and Families  
168 as delinquent, (B) under the supervision of the Commissioner of  
169 Children and Families, or (C) enrolled in the voluntary services program  
170 operated by the Department of Children and Families;

171 (28) The Court Support Services Division of the Judicial Branch for  
172 the purpose of sharing common case records to track recidivism of

173 juvenile offenders;

174 (29) The birth-to-three program's referral intake office for the purpose  
175 of (A) determining eligibility of, (B) facilitating enrollment for, and (C)  
176 providing services to (i) substantiated victims of child abuse and neglect  
177 with suspected developmental delays, and (ii) newborns impacted by  
178 withdrawal symptoms resulting from prenatal drug exposure;

179 (30) The Department of Public Health for the purpose of notification  
180 when the Commissioner of Children and Families places an individual  
181 licensed or certified by the Department of Public Health on the child  
182 abuse and neglect registry established pursuant to section 17a-101k;  
183 [and]

184 (31) The Department of Correction, for the purpose of determining  
185 the supervision and treatment needs of a child or youth, and providing  
186 appropriate supervision and treatment services to such child or youth;

187 (32) Any child placing agency subject to licensure by the Department  
188 of Children and Families, for the purpose of determining the suitability  
189 of a person (A) for employment by such agency, or (B) to adopt or  
190 provide foster care pursuant to sections 17a-114 and 17a-151; and

191 (33) The Department of Administrative Services, for the purpose of  
192 determining whether an applicant for employment with the state, who  
193 would have contact with children in the course of such employment,  
194 appears on the child abuse or neglect registry maintained pursuant to  
195 section 17a-101k.

196 Sec. 2. Section 17a-3b of the 2022 supplement to the general statutes  
197 is repealed and the following is substituted in lieu thereof (*Effective*  
198 *October 1, 2022*):

199 (a) The Commissioner of Children and Families shall [implement the  
200 operational plan developed pursuant to section 2 of public act 21-174 to  
201 establish an education] establish an administrative unit within the  
202 Department of Children and Families [, for] to provide oversight of the  
203 education of any child who resides in any juvenile justice facility and

204 any incarcerated child. The Commissioner of Children and Families  
205 shall administer, coordinate and control the operations of the unit and  
206 be responsible for the overall supervision and direction of all [courses  
207 and] activities of the unit.

208 (b) The commissioner, or his or her designee, shall:

209 (1) Have the power to employ and dismiss staff [and, as a board of  
210 education would in accordance with the applicable provisions of section  
211 10-151, such teachers as are] as necessary to carry out the intent of this  
212 section and to pay their salaries; [, or to contract with local or regional  
213 boards of education or educational service providers for the purpose of  
214 providing educational services to children being served by the unit;]

215 (2) Develop and review quarterly reports, which shall be available to  
216 the Juvenile Justice Policy and Oversight Committee established  
217 pursuant to section 46b-121n, on academic performance, school  
218 discipline, attendance and other similar issues concerning students  
219 educated [by] under the oversight of the unit;

220 (3) Have the power to contract with providers of educational services  
221 for compilation, at least semiannually, of performance data to ensure  
222 that reporting measures are tailored to experiences of students in short  
223 and long-term placements in juvenile justice facilities;

224 (4) Require providers of educational services to develop partnerships  
225 and programs with local educational agencies, private educational  
226 providers and local industries and businesses;

227 (5) Report student performance data, attendance and rates of  
228 participation for all education programs and document transition  
229 activities and outcomes and collaborations with community service  
230 providers and parents to the Juvenile Justice Policy and Oversight  
231 Committee established pursuant to section 46b-121n;

232 (6) (A) Ensure that students have access to earn credits toward high  
233 school graduation and have access to arts and career and technical  
234 education courses, state-wide and college preparatory testing, and (B)



235 provide alternative options for high school equivalency certificates for  
236 students who are twenty years of age or older with insufficient credits  
237 to meet graduation requirements pursuant to section 10-221a; and

238 (7) Enable students to have access to web-based content including  
239 credit recovery programs to allow students to earn a credit for a course  
240 he or she did not satisfactorily complete.

241 (c) The commissioner may employ within the unit transition  
242 specialists whose primary responsibility is to facilitate the successful  
243 transition of children from their communities to secure facilities and  
244 then back to their local educational program upon release. Transition  
245 specialists shall:

246 (1) Collaborate with local and regional boards of education,  
247 governing councils of a state or local charter school, interdistrict magnet  
248 school operators and agencies that serve the needs of children,  
249 employers and other community supports for reentry to plan and  
250 manage successful transitions between the unit, the student's previous  
251 school and the school the student will enroll in upon leaving the [unit]  
252 juvenile justice facility or incarceration;

253 (2) Manage and track the educational credits of a student who is in  
254 an out-of-home placement and document the success of a placement  
255 following a student's reentry into his or her community; and

256 (3) Be responsible for communicating with the reentry coordinators  
257 who appear on a list pursuant to section 10-253a, whose primary  
258 responsibility is to support educational success in students returning to  
259 the community from juvenile justice system custody and who shall  
260 ensure all information regarding the education of a child under the  
261 oversight of the unit is communicated to the school the student will  
262 enroll in upon leaving juvenile justice system custody.

263 (d) The [education] unit shall ensure that the school the student will  
264 enroll in, after the unit's obligation to provide services to the student  
265 ends, provides services and supports that maximize the student's

266 success.

267 (e) The [education] unit shall employ a uniform system of state-wide  
268 electronic record transfers for maintaining and sharing educational  
269 records for any child who resides in a juvenile justice facility and any  
270 incarcerated child in an educational program to be overseen by a  
271 directory manager as designated by the commissioner. Such system  
272 shall be aligned with recommendations by the Individualized  
273 Education Program Advisory Council established pursuant to section  
274 10-76nn.

275 Sec. 3. Section 10-220h of the 2022 supplement to the general statutes,  
276 as amended by section 7 of public act 21-174, is repealed and the  
277 following is substituted in lieu thereof (*Effective October 1, 2022*):

278 (a) When a student enrolls in a school in a new school district or in a  
279 new state charter school, the new school district or new state charter  
280 school shall provide written notification of such enrollment to the school  
281 district in which the student previously attended school or the state  
282 charter school the student previously attended not later than two  
283 business days after the student enrolls. The school district in which the  
284 student previously attended school or the state charter school that the  
285 student previously attended (1) shall transfer the student's education  
286 records to the new school district or new state charter school no later  
287 than ten days after receipt of such notification, and (2) if the student's  
288 parent or guardian did not give written authorization for the transfer of  
289 such records, shall send notification of the transfer to the parent or  
290 guardian at the same time that it transfers the records.

291 (b) In the case of a student placed in any juvenile justice facility and  
292 any incarcerated student being educated under the oversight of the  
293 [education] administrative unit established pursuant to section 17a-3b,  
294 as amended by this act, the Commissioner of Children and Families  
295 shall immediately upon placement of such student in such facility or  
296 under incarceration, inform the student's previous school of such  
297 placement. The school district in which the student previously attended  
298 school or the state charter school that the student previously attended

299 shall, not later than five days after notification of such placement or  
 300 incarceration, transfer the student's education records to the [education]  
 301 administrative unit.

302 (c) In the case of a student who transfers from Unified School District  
 303 #1, Unified School District #2 or the [education] administrative unit  
 304 established pursuant to section 17a-3b, as amended by this act, the new  
 305 school district or new state charter school shall provide written  
 306 notification of such enrollment to Unified School District #1, Unified  
 307 School District #2 or the [education] administrative unit established  
 308 pursuant to section 17a-3b, as amended by this act, immediately upon  
 309 the date of enrollment. The unified school district or the [education]  
 310 administrative unit established pursuant to section 17a-3b, as amended  
 311 by this act, shall, not later than five days after receipt of notification of  
 312 enrollment from the new school district or new state charter school,  
 313 transfer the records of the student to the new school district or new state  
 314 charter school.

315 (d) The new school district or new state charter school shall, not later  
 316 than thirty days after receiving the student's education records, credit  
 317 the student for all instruction received in Unified School District #1,  
 318 Unified School District #2 or the [education] administrative unit  
 319 established pursuant to section 17a-3b, as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2022	17a-28(g)
Sec. 2	October 1, 2022	17a-3b
Sec. 3	October 1, 2022	10-220h

**Statement of Legislative Commissioners:**

In Section 1(g)(32), "foster care by such agency" was changed to "foster care" for clarity.

**KID** Joint Favorable Subst.

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill expands the entities to whom the Department of Children and Families (DCF) must disclose certain records without the subject's consent. The bill also limits the powers and duties of the education unit DCF was required to establish by PA 21-174. This bill requires DCF to establish an administrative unit to oversee these children's education, rather than directly provide it. These provisions have no fiscal impact.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 206*****AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' RECOMMENDATIONS FOR REVISIONS TO THE STATUTES CONCERNING CHILDREN.*****SUMMARY**

This bill expands the entities to whom the Department of Children and Families (DCF) must disclose certain records without the subject's consent. With certain exceptions, existing law generally requires the department to obtain consent from the subject of a record before disclosing information created or obtained in connection with its child protection activities, activities of a child while in DCF care or custody, or the department's abuse and neglect registry. The bill creates additional exceptions for disclosures to the following entities:

1. the Office of Early Childhood (OEC) to determine a person's suitability to (a) care for children in an OEC-licensed youth camp or (b) provide childcare services to a child and to receive a childcare subsidy (i.e., Care 4 Kids);
2. any DCF-licensed child placing agency to determine a person's suitability (a) for employment or (b) to adopt and provide foster care; and
3. the Department of Administrative Services to determine whether an applicant for state employment, who would have contact with children in the course of his or her employment, is on the child abuse or neglect registry.

The bill also limits the powers and duties of the education unit DCF was required to establish by PA 21-174. The act required DCF to create and implement a plan for an educational unit within the department to educate children who are incarcerated or in a juvenile justice facility.

The bill instead requires DCF to establish an administrative unit to oversee these children's education, rather than directly provide it. It makes conforming changes by, among other things, eliminating the commissioner's power to employ and dismiss teachers or contract with local or regional boards of education or educational service providers to provide educational services to these children. As under existing law, the DCF commissioner must administer, coordinate, and control the unit's operations and may employ and dismiss staff as needed.

EFFECTIVE DATE: October 1, 2022, except that the provision on DCF records disclosure is effective July 1, 2022.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 12      Nay 1      (03/10/2022)